

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

By this replay, claims 1, 6, 10 and 24 are hereby amended. No new matter is hereby added. Accordingly, claims 1, 3-7, 10, 12, 13, 24 and 26-29 are currently pending for examination. Reexamination and reconsideration of the pending claims is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1, 5, 10, 24 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming et al (U.S. 6,111,357, hereinafter Fleming). A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Rejections under 35 U.S.C. §103

Claims 1, 3-7, 12-13, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA), further in view of Fleming et al. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

These rejections are respectfully traversed.

Applicants respectfully submit that Fleming does not anticipate claim 1 as amended.

Independent claim 1 has been amended to positively recite a combination of features including, *inter alia*, "the holes in the counter electrode have a shape of **a cross**"(*emphasis added*).

Fleming does not teach or suggest at least the above-noted claimed feature. In Fleming as

shown in Fig 6B & 6C, the holes in the counter electrode (20) have a shape of polygon. The claimed feature is thus clearly absent from Fleming.

Accordingly, both Fleming and AAPA fail to teach or suggest the feature of “the holes in the counter electrode have a shape of a cross” recited in the claim 1.

Similarly, Independent claims 6 and 24 have been amended to positively recite a combination of features including, *inter alia*, “the holes in the counter electrode have a shape of **a cross**” (*emphasis added*).

Accordingly, independent claims 1, 6 and 24, and their dependent claims 3-5, 7, 10, 12, 13 and 26-29 (due to the dependency) are patentable over the references, and reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-2353. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: January 12, 2010

Respectfully submitted,

By: /Donald L. Monin, Jr./
Donald L. Monin, Jr.
Registration No.: 47,256
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. – Suite 100
Washington, DC 20006-6801
(202) 419-2521 - Telephone
(202) 955-5564 - Facsimile